

HON. RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HEIDI HARVEY,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE  
COMPANY,

Defendant.

No. 2:22-cv-01792 RSM

STIPULATION AND ORDER  
REINSTATING PLAINTIFF'S LTD  
BENEFITS AND DISMISSING ACTION  
AND ALL CLAIMS

Plaintiff Heidi Harvey and Defendant Metropolitan Life Insurance Company, through their respective counsel, hereby stipulate as follows:

1. The Providence Health & Services Health and Welfare Benefit Plan ("the Plan") is an "employee benefit plan" within the meaning of 29 U.S.C. § 1002(3).

2. Among other benefits, the Plan provides long-term disability benefits to certain employees of Providence Health & Services-Washington and/or Providence Health & Services ("Providence") who are participants in the Plan and who become disabled within the meaning of

1 the Plan, so long as those Plan participants meet and continue to meet all applicable conditions and  
2 qualifications for receiving long-term disability benefits.

3 3. Defendant funds and insures the Plan's long-term disability benefits through an  
4 insurance policy issued to Providence, Policy No. 121359-1-G ("the Policy").

5 4. Defendant is a claims administrator with respect to those portions of the Plan which  
6 concern long-term disability benefits and makes determinations regarding Plan participants'  
7 eligibility for, and entitlement to, long-term disability benefits.

8 5. Plaintiff is a "participant," within the meaning of 29 U.S.C. § 1002(7), of the Plan.

9 6. Plaintiff became disabled within the meaning of the Plan and/or Policy on or about  
10 April 5, 2017. Following a 180-day "Elimination Period," Defendant began paying Plaintiff  
11 disability benefits effective October 2, 2017.

12 7. On or about May 19, 2022, Defendant terminated Plaintiff's disability benefit claim  
13 and advised her it had determined she was not disabled within the meaning of the Plan.

14 8. Plaintiff appealed that benefit termination.

15 9. Defendant denied her appeal on or about December 15, 2022.

16 10. Plaintiff thereafter commenced this civil action under the Employee Retirement  
17 Income Security Act (ERISA), 29 U.S.C. § 1001 *et seq.*, and specifically under 29 U.S.C. §  
18 1132(a)(1)(B). She sought, among other relief, a declaration that she has been continuously  
19 disabled within the meaning of the Plan since on or about May 19, 2022; that she has been eligible  
20 for and entitled to receive long-term disability benefits since that date; and an order that Defendant  
21 pay her the long-term disability benefits owing since that date, with prejudgment interest. She also  
22 sought an award of her attorney's fees and costs in this action.

1           11. The parties wish to resolve the claims presented by Plaintiff's civil action and to  
2 dismiss this action and all claims asserted herein. In consideration for the dismissal, the parties  
3 stipulate as follows:

4           12. Plaintiff is disabled within the meaning of the Plan since May 19, 2022. This  
5 stipulation does not affect Plaintiff's rights to future benefits under the terms of the Plan after entry  
6 of the subjacent Order, and Plaintiff must continue to meet the terms of the Plan in order to  
7 continue to receive long-term disability benefits.

8           13. Defendant agrees to pay Plaintiff long-term disability benefits under the Plan from  
9 May 19, 2022 through the date of this Stipulation, together with prejudgment interest at 5%, and  
10 to reinstate Plaintiff's LTD benefits pursuant to the terms of the Plan.

11           14. Defendant agrees to pay Plaintiff's attorneys fees and costs of \$77,684.40.

12           Based on the preceding Stipulation, the parties respectfully request that the Court enter the  
13 subjacent Order dismissing this action.

14           DATED this 8<sup>th</sup> day of June 2023.

15           LAW OFFICE OF MEL CRAWFORD

16           GORDON REES SCULLY MANSUKHANI

17           By s/Mel Crawford  
18           Mel Crawford, WSBA # 22930  
19           Attorney for Plaintiff

20           By: s/ Sally Kim  
21           Sally Kim, WSBA # 35289  
22           Attorneys for Defendant

**ORDER**

Based on the preceding Stipulation of the parties, the Court hereby Declares and Orders this action and all claims asserted herein are dismissed with prejudice.

DATED this 12<sup>th</sup> day of June, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE